

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

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WESTERN DISTRICT OF TEXAS  
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MATTHEW ANDREW GARCES, Individually and as Heir of the ESTATE OF

DARLENE GARCES CARUTH,

*Plaintiff,*

v.

CITY OF SAN ANTONIO; SAN ANTONIO POLICE DEPARTMENT (SAPD);

SERGEANT MARFIN (SAPD Cold Case Supervisor), in his Individual and  
Official Capacity; MIGUEL CONTRERAS SR.; and JOHN DOES 1-10 (SAPD

Officers and Supervisors),

*Defendants.*

CASE NO.:

**SA 25CA0703**

**FB**

COMPLAINT FOR:

1. **42 U.S.C. § 1983 (Violation of 14th Amendment Due Process – State-Created Danger)**
2. **Monell Liability (Policy/Custom Deliberate Indifference)**
3. **Wrongful Death (Tex. Civ. Prac. & Rem. Code § 71.001)**
4. **Destruction of Evidence/Spoliation**
5. **ADA Violations (42 U.S.C. § 12132)**
6. **First Amendment Retaliation**

I. JURISDICTION AND VENUE

1. **Federal Question Jurisdiction** (28 U.S.C. § 1331): Claims arise under 42 U.S.C. § 1983, ADA, and U.S. Constitution.
2. **Supplemental Jurisdiction** (28 U.S.C. § 1367): State law claims (wrongful death, negligence) derive from the same nucleus of facts.
3. **Venue** (28 U.S.C. § 1391(b)): All events occurred in Bexar County, Texas.

## II. PARTIES

4. **Plaintiff MATTHEW ANDREW GARCES:** Son of DARLENE GARCES CARUTH (deceased U.S. Army honorable veteran). Citizen of Texas.
5. **Defendant CITY OF SAN ANTONIO:** Municipal entity controlling SAPD.
6. **Defendant SAPD:** Governmental agency acting under color of state law.
7. **Defendant SERGEANT MARFIN:** SAPD Cold Case Supervisor. Personally confirmed mishandling of evidence (June 13, 2025) and destruction of case files (June 17, 2025). Sued individually/officially.
8. **Defendant MIGUEL CONTRERAS SR.:** Ex-husband of Decedent. Perpetrator of prior domestic violence (1990 assault charge). Beneficiary of \$55,000 life insurance policy.
9. **JOHN DOES 1-10:** SAPD officers involved in cover-up and retaliation (e.g., DeLeon, Diaz, Foster, Ruiz).

## III. FACTUAL ALLEGATIONS: SYSTEMIC MISHANDLING AND CONCEALMENT

### A. The 1999 Death of Darlene Garces Caruth

**10. October 15, 1999:** Darlene found dead of gunshot wound. SAPD immediately ruled suicide “**without**”:

- Testing hands for gunpowder residue;
- Interviewing family (per Sergeant Marfin, June 13, 2025);
- Investigating Miguel Contreras Sr.’s \$55,000 life insurance policy  
(maxed a few days before death).

**11. History of Domestic Terror:**

- June 23, 1990: Miguel convicted of Assault Bodily Injury–Married  
(Case #472775) after breaking Darlene’s nose.
- July 20, 1990: Protective Order issued against Miguel (Case  
#1990CI10417).
- Pre-Death Custody Battle: Darlene hired attorney Rudy Nava to  
regain custody of her children from Miguel Contreras Sr.

## **B. SAPD’s Pattern of Deliberate Indifference (1999–2025)**

**12. 2017–2025 Efforts to Reopen Case:**

- “October 23, 2017”: Plaintiff reported evidence to Bexar County DA’s office.
- “November 1, 2017”: Emailed SAPD Sgt. Michael Davis. **No response.**
- “June 2, 2020”: Detective DeLeon dismissed Plaintiff: **"Expecting me to do something 21 years later?"** Hung up when Plaintiff cited no statute of limitations for murder.

**13. 2024 Retaliatory Campaign Against Plaintiff:**

- “June 24, 2024”: Officers Ruiz/Arizola refused to document Plaintiff as assault victim.
- “July 22, 2024”: Sgt. Oliva/Coleman illegally evicted Plaintiff 8 days pre-spinal surgery (ADA violation).
- “October 9, 2024”: Falsely blamed Plaintiff for hit-and-run.

**14. 2025 Destruction of Evidence:**

- “June 17, 2025”: Sergeant Marfin admitted case files destroyed.
- “Pretextual Justification”: SAPD erased proof of its malfeasance.

### **C. SAPD's Policy of Ignoring Domestic Violence**

#### **15. Systemic Cover-Up:**

- **October 26, 2017:** SAPD Captain McManus admitted 130+ sex/domestic violence cases mishandled.
- **Trained Incompetence:** Failure to test GSR, interview witnesses, or follow financial motives reflects “deliberate indifference” to domestic violence victims.

### **IV. LEGAL CLAIMS**

#### **COUNT 1: 42 U.S.C. § 1983 – STATE-CREATED DANGER (14TH AMENDMENT)**

#### **16. Special Relationship Doctrine:**

- SAPD knew Miguel posed imminent threat (1990 domestic violence charge + protective order). *Sanchez v. City of Austin*, 774 S.W.2d 164 (Tex. App. 1989) (duty arises when state aware of specific threat).

**17. Conscience-Shocking Deliberate Indifference:**

- Failure to investigate Miguel + life insurance policy created opportunity for murder. *Cty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998) (conduct "shocking the conscience" violates due process).

**COUNT 2: MONELL LIABILITY (CITY OF SAN ANTONIO)**

**18. Policy/Custom of Deliberate Indifference:**

- SAPD's routine mishandling of domestic violence cases (130+ admitted) reflects "de facto policy". *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978).

**19. Failure to Train:**

- Officers untrained in GSR testing, witness interviews, and domestic violence lethality indicators. *Connick v. Thompson*, 563 U.S. 51, 61 (2011) (inadequate training shows "deliberate indifference").

**COUNT 3: WRONGFUL DEATH (TEX. CIV. PRAC. & REM. CODE § 71.001)**

20. Miguel Sr. intentionally murdered Darlene to collect \$55,000 insurance.

21. SAPD enabled murder via gross negligence. *City of Waco v. Lopez*, 259 S.W.3d 147, 153 (Tex. App. 2008) (police liability for negligent investigation).

**COUNT 4: SPOILIATION OF EVIDENCE**

**22. Bad-Faith Destruction:**

- SAPD destroyed case files (June 17, 2025) to conceal liability.

Spoliation inference applies. *Bashir v. Amtrak*, 119 F.3d 929, 931 (11th Cir. 1997).

**COUNT 5: ADA VIOLATIONS (42 U.S.C. § 12132)**

**23. Discriminatory Eviction:**

- SAPD gave Plaintiff 1.5 hours to vacate pre-spinal surgery (July 22, 2024). *Tennessee v. Lane*, 541 U.S. 509, 531 (2004) (Title II covers access to justice).



## **COUNT 6: FIRST AMENDMENT RETALIATION**

### **24. Retaliatory Harassment:**

- 2024 false investigations/arrests followed Plaintiff's 2017–2020 complaints. *Keenan v. Tejada*, 290 F.3d 252, 258 (5th Cir. 2002) (retaliation for speech violates 1st Amendment).

## **V. OVERCOMING STATUTE OF LIMITATIONS**

### **25. Continuing Violation Doctrine:**

- SAPD's refusals to investigate (2017, 2020, 2024) are "new actionable acts". *Heath v. Bd. of Supervisors*, 850 F.2d 1043, 1045 (5th Cir. 1988).

### **26. Discovery Rule:**

- Limitations tolled until June 13, 2025, when Sergeant Marfin confirmed SAPD never tested GSR or interviewed family.  
**Tex. Civ. Prac. & Rem. Code § 16.001(a).**

## VI. PRAYER FOR RELIEF

Plaintiff demands:

1. **Compensatory Damages:** \$10,000,000.00 for wrongful death, emotional distress, and ADA violations.
2. **Punitive Damages:** Against individual defendants.
3. **Declaratory Judgment:** SAPD's policies violate 14th Amendment/ADA.
4. **Injunctive Relief:**
  - SAPD training overhaul for domestic violence cases;
  - Independent audit of SAPD cold cases.
5. **Jury Trial** on all claims.

## VII. JURY DEMAND

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES.

## VIII. VERIFICATION

I, Matthew Andrew Garces, swear under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, reading "Matthew Garces", is written over a horizontal line.

Matthew Andrew Garces, *Pro Se*

Dated: June 21, 2025

Respectfully submitted,

A handwritten signature in cursive script, reading "Matthew Garces", is written over a horizontal line.

Matthew Andrew Garces, *Pro Se*

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